

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26465 OF 2005

DATED:12.12.2005

Between:

Alam Venkata Naidu

...Petitioner

And

The Chief Commissioner of Land Administration,

Andhra Pradesh, at Hyderabad and others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26465 OF 2005

ORDER:

The petitioner claims to have purchased an extent of Acs.5.25 in R.S.No.102/5 (paimash No.27) of Papampet Village, Anantapur Mandal, from the brother of the fifth respondent. It appears, the fifth respondent filed an application under Section 11(a) of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short, the Act). The Settlement Officer, Nellore, passed orders on 11.6.1986 granting ryotwari patta. It appears, respondents 6 to 18 also approached the Settlement Officer for grant of patta unsuccessfully. Therefore, they filed revision petitions under Section 5(2) of the Act before the second respondent who also suo motu entertained the revision petitions against patta granted in favour of fifth respondent. Be that as it is, the second respondent by order dt.16.10.2004 set side

the orders of the Settlement Officer. Aggrieved by the same, petitioner, fourth respondent and other contesting respondents filed four revision petitions before the first respondent. The grievance of the petitioner is that instead of clubbing all the revision petitions, first respondent has posted the revision petition filed by the fifth respondent on 16.12.2005 for hearing. Therefore, the petitioner has filed the present Writ Petition seeking a Writ of Mandamus directing the first respondent to hear and club all the four revision petitions being P1/44/05, P1/45/05, P1/420/05 and P1/421/05 together.

The subject matter of the Writ Petition is essentially deals with case management by the first respondent who is duly constituted statutory appellate authority under the Act. In such a matter, in the considered opinion of this Court, a Writ Petition would not lie. The petitioner's counsel in spite of repeated queries from the Court has not demonstrated any enforceable right in the petitioner to seek relief as prayed for. It is always open to the petitioner to file appropriate memo, if not already filed, before the first respondent for redressal. Further, the right of the petitioner on one hand, and the right of the fifth respondent and others on the other hand to claim patta in respect of the same land or in respect of the land owned by the fifth respondent are different causes of action and again it is for the first respondent to look into such aspect before taking up revision petitions either by separately or by clubbing together. No direction can be granted in this Writ Petition.

The Writ Petition is misconceived and is accordingly dismissed.

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(V.V.S.RAO, J)

12.12.2005

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